

Serial No. 09/414333

Amendment dated December 15, 2003

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### REMARKS/ARGUMENTS

Claim 1-24 were pending and examined. The Examiner rejected claims 7-9, 15, 16, 23, and 24 under 35 USC § 112, second paragraph as indefinite. The Examiner also rejected claims 1-7, 10-15, and 17-23 under 35 USC § 102(a) as being clearly anticipated by Lambert (USPN 6,470,447 B1). The Examiner also rejected 8, 9, 16, and 24 under 35 USC § 103(a) as unpatentable over Lambert and official notice. In this response, Applicant has amended claims 7-9, 15, 16, 23, and 24. Claims 1-24 remain pending.

#### Claims rejections under 35 USC § 112, second paragraph

The Examiner rejected claims 7-9, 15, 16, 23, and 24 under 35 USC § 112, second paragraph as indefinite. In response to this rejection, Applicant has amended the rejected claims to recite, instead of specific geographic territories who regulations and encryption requirements may vary from time to time, first, second, and third geographic territories having first, second, and third encryption standards where one of the standards is a 128-bit encryption standard and one of the standards is a 40-bit encryption standard. Applicant believes that the amended claims are compliant with the requirements of 35 USC § 112, second paragraph and Applicant would respectfully request the Examiner to reconsider and withdraw the rejection in light of the amendments made herein.

#### Claims rejections under 35 USC §§ 102(a), 103(a)

The Examiner rejected claims 1-7, 10-15, and 17-23 under 35 USC § 102(a) as being clearly anticipated by Lambert (USPN 6,470,447 B1). The Examiner also rejected 8, 9, 16, and 24 under 35 USC § 103(a) as unpatentable over Lambert and official notice. In response to this rejection, Applicant has submitted herewith an affidavit, under 35 USC § 131, of the inventor Kraft (the Affidavit). The co-inventor Verburg is no longer employed by the Assignee and is unavailable to make a declaration. The Affidavit is accompanied by an inventor disclosure document indicating that the subject matter with which the patent application is principally concerned was enablingly disclosed at least as early as September 18, 1998, well before the filing

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date of the referenced application. Applicant would respectfully request the Examiner to withdraw the Lambert reference as prior in this case and to reconsider and withdraw the Section 103(a) rejection of the pending claims accordingly.

In the present response, Applicant has responded to the Examiner's claim rejections under 35 USC § 112, second paragraph, and to the Examiner's rejection of pending claims 1-7, 10-15, and 17-23 under 35 USC § 102(a) and claims 8, 9, 16, and 24 under 35 USC § 103(a). Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the office action. In light of the amendments made herein and the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Accordingly, Applicant would request the Examiner to withdraw the rejections, allow the pending claims, and advance the application to issue. If the Examiner has any questions, comments, or suggestions, the undersigned attorney would welcome and encourage a telephone conference at 512.428.9872.

Respectfully submitted,



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Attachment:

*Affidavit under 37 CFR § 1.131*